

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

FILED

In re: ALEXANDER LOUIS BEDNAR,

Debtor.

Case Number: 15-11916 TRC
Chapter 7

2019 MAR 26 A 11: 27
DOUGLAS J. OFFICE CLERK
U.S. BANKRUPTCY COURT
WESTERN DISTRICT OF OK
DEPUTY **AO**

Alexander L. Bednar
Plaintiff

Adv. Proc. No: 18-1096

v

Franklin American Mortgage Company
Federal National Mortgage Association
Oklahoma County Sheriff
Defendants

And

Alexander Bednar

v.

RCB Bank

MOTION TO SEAL EXHIBIT 1 TO DEBTOR'S REQUEST FOR STAY

Appellant Alexander L. Bednar, Debtor in this case, upon authority granted to him by the Bankruptcy Appellate Panel of the Tenth Circuit, has requested an Order from this Court to stay the actions of the defendants, accused of ongoing violations of bankruptcy law and state law. Pursuant to that request, Mr. Bednar asks this Court for an Order sealing Exhibit 1 to the request for stay filed in the past week, seeking a Stay against Defendants pending the appeal.

In support, Debtor/Plaintiff Mr. Bednar states:

1. RCB, through Scott Kirtley, signed a clause in the Bankruptcy Settlement Agreement that its confidentiality was a material term between the parties.
2. The Settlement Agreement referred to is the agreement reached in mediation ordered by the Court in adversarial proceeding 15-1248 (RCB v. Alexander Bednar).
3. Neither Plaintiff nor RCB should be placed at risk of violating the terms, or be subjected to litigation that does not keep the settlement confidential

per its own terms, while the Appellate Court considers whether or not the dismissal of this adversarial proceeding should be overturned.

4. Mr. Scott Kirtley previously signed an agreed Order to seal the confidential settlement agreement in October of 2018, in adversarial proceeding 15-1248. See attached Exhibit 1.
5. As of the filing of this Motion, undersigned has sent out communications to Mr. Kirtley, as well as the other attorneys in this case, as to whether or not they object to sealing the confidential settlement.
6. No response has yet to be provided by those attorneys.
7. No trial is set, and no scheduling order has been entered. In fact the merits of the entire case is currently being reviewed by the Bankruptcy Appellate Panel for the Tenth Circuit. As such, there is absolutely no prejudice to any party in keeping confidential the agreement Mr. Kirtley signed on behalf of RCB and to seal it at this time.

WHEREFORE, Debtor/Plaintiff requests that this Court issue an Order sealing the confidential settlement agreement signed by Mr. Kirtley and Mr. Bednar, designated as Exhibit 1 to Plaintiff's request for Stay.

Respectfully submitted,



Alexander Bednar
15721 Via Bella
Edmond, OK 73013
405 420 9030
Representing Plaintiff (self) / Appellant

NOTICE AND OPPORTUNITY FOR HEARING

YOUR RIGHTS MAY BE AFFECTED. YOU SHOULD READ THIS DOCUMENT CAREFULLY AND CONSULT YOUR ATTORNEY ABOUT YOUR RIGHTS AND THE EFFECT OF THIS DOCUMENT. IF YOU DO NOT WANT THE COURT TO GRANT THE REQUESTED RELIEF, OR YOU WISH TO HAVE YOUR VIEWS CONSIDERED, YOU MUST FILE A WRITTEN RESPONSE OR OBJECTION TO THE REQUESTED RELIEF WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT FOR THE WESTERN DISTRICT OF OKLAHOMA, 215 DEAN A. MCGEE AVENUE, OKLAHOMA CITY, OK 73102, NO LATER THAN 14 DAYS FROM THE DATE OF FILING OF THIS REQUEST FOR RELIEF, UNLESS ORDERED SOONER BY SEPARATE ORDER. YOU SHOULD ALSO SERVE A FILE-STAMPED COPY OF YOUR RESPONSE OR OBJECTION ON THE UNDERSIGNED MOVANT (AND OTHERS WHO ARE REQUIRED TO BE SERVED) AND FILE A CERTIFICATE OF SERVICE WITH THE COURT. IF NO RESPONSE OR OBJECTION IS TIMELY FILED, THE COURT MAY GRANT THE REQUESTED RELIEF WITHOUT A HEARING OR FURTHER NOTICE.

THE 14 DAY PERIOD DESCRIBED ABOVE INCLUDES THE THREE (3) DAYS ALLOWED FOR MAILING PROVIDED FOR IN BANKRUPTCY RULE 9006 (F).

CERTIFICATE OF SERVICE

Undersigned certifies that on this date the foregoing document was served, on the following:

**Oklahoma County District Attorney
c/o Rod Heggy
320 Robert S Kerr
County Building, 5th Floor
Oklahoma City OK 73102
Attorney for Oklahoma County Sheriff**

**Don Timberlake
PO Box 18486
Oklahoma City, OK 73154-0486
Attorney for Franklin American
and Fannie Mae**

**Scott Kirtley, Esq
Riggs Abney Law Firm
502 W. 6th Street
Tulsa, OK 74119-1010**

**RCB Bank
300 W. Patti Page
Claremore, OK 74017**


/s/ Alexander Bednar / Debtor
15721 Via Bella
Edmond, OK 73013
405 420 9030
bednarconsult@gmail.com

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

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|-------------------------|---|-----------------------|
| IN RE |) | |
| |) | |
| Alexander Louis Bednar, |) | Case No. 15-11916-TRC |
| |) | Chapter 7 |
| Debtor. |) | |
| | | |
| RCB Bank, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Adv. Pro. No. 15-1248 |
| |) | |
| Alexander Bednar, |) | |
| |) | |
| Defendant. |) | |

AGREED ORDER

This Court, upon review of the signatures below, finds that Exhibit 7 to the Motion to Re-Open Adversarial Proceeding to Enforce Settlement Agreement filed October 26, 2018 shall be sealed.

AND IT IS SO ORDERED.

Dated this ____ day of October, 2018.

UNITED STATES BANKRUPTCY JUDGE
TOM R. CORNISH

[signatures on next page]

EXHIBIT 7

Approved as to Form:

Alexander Bednar
15721 Via Bella
Edmond, Oklahoma 73103
405-420-9030
bednarconsult@gmail.com

Debtor

RIGGS ABNEY NEAL TURPEN
ORBISON & LEWIS



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(918) 587-3161
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Attorneys for RCB Bank